

105TH CONGRESS
1ST SESSION

H. R. 3065

To direct the Administrator of the Environmental Protection Agency to design and implement a performance-based measurement system to encourage the development of new environmental monitoring technologies.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 13, 1997

Ms. LOFGREN introduced the following bill; which was referred to the Committee on Science, and in addition to the Committees on Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To direct the Administrator of the Environmental Protection Agency to design and implement a performance-based measurement system to encourage the development of new environmental monitoring technologies.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Less Pollution
5 Through Technology Act of 1997.”

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds the following:

1 (1) The development of new and innovative en-
2 vironmental technologies, including technologies for
3 monitoring environmental compliance, has been iden-
4 tified as a priority by the Environmental Protection
5 Agency (referred to in this Act as the “Agency”).

6 (2) Current Agency environmental monitoring
7 requirements typically specify the use of a particular
8 analytical method that must be precisely followed,
9 including the use of specific procedures and instru-
10 mentation. These requirements inhibit introduction
11 of new environmental monitoring technologies that
12 could prove more accurate, reliable, and cost-effec-
13 tive because of time consuming and labor-intensive
14 procedures for revising regulations.

15 (3) The Agency is evaluating the barriers to the
16 introduction of new and innovative environmental
17 monitoring technologies and has begun the transi-
18 tion of converting from the current analytical meth-
19 ods approach to a performance-based measurement
20 system.

21 (b) PURPOSES.—The purposes of this Act are to—

22 (1) facilitate the development, introduction, and
23 use of new and innovative environmental monitoring
24 technologies through the conversion of the Agency’s

1 analytical methods to a performance-based measure-
2 ment system; and

3 (2) establish a deadline for the Agency to im-
4 plement a performance-based measurement system
5 to cover all media and multimedia environmental
6 monitoring.

7 **SEC. 3. DEFINITIONS.**

8 For purposes of this Act:

9 (1) The term “Agency” means the Environ-
10 mental Protection Agency.

11 (2) The term “Administrator” means the Ad-
12 ministrator of the Environmental Protection Agency.

13 (3) The term “environmental monitoring tech-
14 nologies” means procedures or techniques associated
15 with the performance, technical capability, or envi-
16 ronmental impact of an analytical method.

17 (4) The term “performance-based measurement
18 system” means a system that ensures environmental
19 monitoring data quality assurance objectives are
20 met, without prescribing particular procedures, tech-
21 niques, or instrumentation for meeting such objec-
22 tives.

23 **SEC. 4. PERFORMANCE-BASED MEASUREMENT SYSTEM.**

24 (a) ESTABLISHMENT.—(1) No later than 18 months
25 after the date of enactment of this Act, the Administrator

1 shall establish and begin implementing a performance-
2 based measurement system that will facilitate the use of
3 new environmental monitoring technologies, particularly
4 monitoring required to demonstrate compliance with laws
5 and regulations.

6 (2) Notwithstanding the implementation of a per-
7 formance-based measurement system, analytical methods
8 existing on the date of enactment of this Act shall be
9 deemed acceptable to the Administrator until such time
10 as the Administrator determines that such methods are
11 no longer acceptable.

12 (b) CONSTRUCTION.—Nothing in this Act shall be
13 construed to permit the Agency to devise or endorse a
14 process that permits or requires the rating or evaluation
15 of one technology or instrument over another. Nothing in
16 this Act shall be construed to require the approval of a
17 particular environmental technology or instrument.

18 (c) STATUS.—A performance-based measurement
19 system implemented pursuant to this section shall be
20 deemed to be equivalent to Agency analytical methods ex-
21 isting on the date of enactment of this Act for purposes
22 of compliance with all applicable environmental statutes
23 and regulations.

1 **SEC. 5. PERFORMANCE-BASED MEASUREMENT SYSTEM AD-**
2 **VISORY COMMITTEE.**

3 (a) ESTABLISHMENT.—The Administrator shall es-
4 tablish a Performance-Based Measurement System Advi-
5 sory Committee no later than 90 days after the date of
6 enactment of this Act.

7 (b) PURPOSES.—The Performance-Based Measure-
8 ment System Advisory Committee shall—

9 (1) assist the Administrator in developing a
10 plan for implementation of a performance-based
11 measurement system;

12 (2) advise the Administrator regarding how
13 Agency policies, regulations, standards, and proce-
14 dures can be used to implement a performance-based
15 measurement system; and

16 (3) assist the Administrator in developing the
17 report required by section 5 of this Act.

18 (c) MEMBERSHIP.—The Performance-Based Meas-
19 urement System Advisory Committee shall be comprised
20 of 12 members selected for appointment to provide a
21 broad and balanced representation of interested parties,
22 including the analytical instruments industry, environ-
23 mental testing laboratories, representatives from State
24 regulatory agencies, public interest groups, and profes-
25 sional or technical societies.

1 (d) DURATION.—Section 14 of the Federal Advisory
2 Committee Act (5 U.S.C. App.) shall not apply with re-
3 spect to the duration of the advisory committee established
4 under this section.

5 (e) DUTIES.—The Performance-Based Measurement
6 System Advisory Committee shall convene at least twice
7 a year, and may meet at additional times as required by
8 the Administrator. The Performance-Based Measurement
9 System Advisory Committee shall submit to the Adminis-
10 trator such recommendations as it believes are consistent
11 with its purposes. The Administrator shall make available
12 to the Performance-Based Measurement System Advisory
13 Committee such staff as are necessary to carry out its pur-
14 poses.

15 **SEC. 6. REPORT TO CONGRESS.**

16 No later than 6 months after the date of enactment
17 of this Act, the Administrator shall submit to Congress
18 a report containing a plan to establish a performance-
19 based measurement system approval process in accordance
20 with section 4.

